

REMARKS

Enclosed please find a declaration of the inventor Michelle Baker together with 40 exhibits and a declaration of attorney Thomas A. Gallagher.

The Examiner will recall that in May, the undersigned discussed the possibility of submitting a declaration to swear behind the art used to reject the claims. The Examiner and his Primary Examiner agreed that a declaration would be given consideration. It was also agreed that the number of Exhibits would be limited to one per week although the undersigned stated that, if necessary, virtually every day during the relevant period could be documented. It should be noted that all of the disclosures referred to or implied in the Declaration and Exhibits were made under confidentiality.

As will be seen from the declaration of Michelle Baker, she conceived of the invention at least as early as February 1997 when she submitted the NSF grant proposal (Exhibit 1). The invention is described as "KidCode games and email software". As can be seen from part "e. PHASE II RESEARCH OBJECTIVES" in the attachment to the grant proposal, the prototype software includes an email client, a MIME mail handler, message authoring components for four games, game templates and an image library. This corresponds to the elements of originally filed claim 1.

Original claim 1	Elements listed in the grant proposal
1. An electronic mail client, comprising:	an email client
a) a plurality of authoring components, a first of said plurality of authoring components for creating a representation of a document including other than text;	message authoring components for four games
b) encoding means for automatically encoding said representations created with said authoring components into an Internet-compatible email message; and	a (custom) MIME mail handler
c) decoding means for automatically decoding said representations encoded by said encoding means.	a (custom) MIME mail handler

As discussed in the attached Declarations, the invention was originally conceived of as a teaching tool for children using computers connected to a TCP/IP network, either a LAN or the Internet. The authoring components would allow children to seamlessly create games, email the games to another student who, using the KidCode software would seamlessly read the game created by the sender. One of the features of the KidCode software was that when an email was received, the software would determine which kind of game it was and would seamlessly use the appropriate game component to read the game.

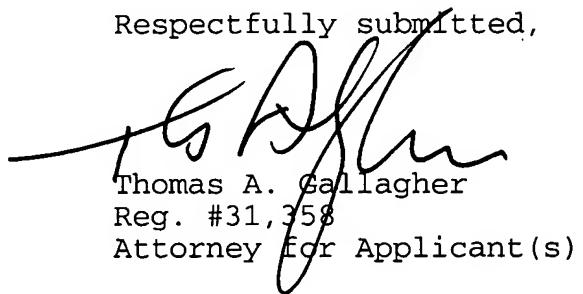
The next exhibit after the grant proposal is the actual grant which also issued long before the effective dates of the references used to reject the claims. The following exhibits show that the inventor continued to diligently pursue the invention through to the summer of 1998 when she submitted the disclosure to her patent attorneys for the preparation of a patent application. The Declaration of Thomas A. Gallagher explains why it took several months to complete the patent application.

The Exhibits to Michelle Baker's declaration are mostly self-explanatory but, where appropriate, are explained in her Declaration. The Exhibits present an interesting chronology of the efforts made by an independent inventor to complete a project and bring an invention to market. The Exhibits show efforts made in the areas of financing, delegation and subcontracting, project management, testing, promotion, etc. It can also be seen from the Exhibits that despite the fact that Michelle was busy with several other projects and the duties of being a mother, she continued to expend significant effort on the KidCode project on a regular basis.

It is respectfully submitted that the Baker Declaration together with the Exhibits adequately remove the cited references from being prior art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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